

1 The Honorable James L. Robart  
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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 MICROSOFT CORPORATION, a Washington  
9 corporation,

10 Plaintiff,

11 v.

12 MOTOROLA, INC., and MOTOROLA  
13 MOBILITY LLC, and GENERAL  
INSTRUMENT CORPORATION,

14 Defendants.

16 MOTOROLA MOBILITY LLC, and  
17 GENERAL INSTRUMENT CORPORATION,

18 Plaintiffs/Counterclaim Defendant,

19 v.

20 MICROSOFT CORPORATION,

21 Defendant/Counterclaim Plaintiff.

CASE NO. C10-1823-JLR

DEFENDANTS' NONOPPOSITION TO  
MICROSOFT'S 9/10/12 MOTION TO  
FILE DOCUMENTS UNDER SEAL

**NOTED ON MOTION CALENDAR:  
Friday, September 21, 2012**

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DEFENDANTS' NONOPPOSITION TO MICROSOFT'S  
9/10/12 MOTION TO FILE DOCUMENTS UNDER SEAL  
CASE NO. C10-1823-JLR

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1      **I. INTRODUCTION**

2      Defendants Motorola, Inc. (now Motorola Solutions, Inc.), Motorola Mobility LLC and  
 3      General Instrument Corporation (collectively, “Motorola”) do not oppose Microsoft’s 9/10/12  
 4      Motion to File Documents Under Seal (Dkt. No. 421) regarding the following documents:

5            • Limited Portions of Microsoft’s Reply in Support of Its Rule 702 Motion  
 6            to Preclude Testimony by Charles R. Donohoe and Dr. Ramamirtham  
 7            Sukumar (“Microsoft’s Reply”) (Dkt. No. 425); and  
 8            • Exhibits 6 and 7 to the Second Declaration of Christopher Wion in  
 9            Support of Microsoft’s Rule 702 Motion to Preclude Testimony by  
 10          Charles R. Donohue and Dr. Ramamirtham Sukumar (the “9/10/12 Wion  
 11          Declaration”) (Dkt. No. 423).

12      **II. MOTOROLA DOES NOT OPPOSE MICROSOFT’S MOTION TO SEAL**

13      Exhibit 6 to the 9/10/12 Wion Declaration is a copy of the transcript of the deposition of  
 14      Motorola expert Michael Dansky, taken under oath in New York on September 5, 2012.  
 15      Microsoft has informed Motorola that it intends to designate the transcript as “confidential” under  
 16      the terms of the Protective Order. During his deposition, Mr. Dansky testified extensively  
 17      regarding the contents of both his opening and rebuttal expert reports, which Microsoft has  
 18      designated in their entireties as “Highly Confidential – Attorneys’ Eyes Only,” and also testified  
 19      regarding the opinions of Motorola expert Charles R. Donohoe, which were themselves contained  
 20      in reports that Motorola has designated as “CONTAINS CONFIDENTIAL FINANCIAL  
 21      INFORMATION – OUTSIDE ATTORNEYS’ EYES ONLY -- SUBJECT TO PROTECTIVE  
 22      ORDER.” Moreover, during his deposition, Mr. Dansky discussed confidential information about  
 23      Microsoft’s and Motorola’s business and licensing practices and licensing history. Disclosure of  
 24      this information to third parties and other party employees not covered by the protective order  
 25      would have the potential to lead to competitive harm. Due to presence of this highly confidential  
 26      information throughout the transcript, Exhibit 6 should be sealed in its entirety.

27      Exhibit 7 to the 9/10/12 Wion Declaration is a copy of the August 15, 2012 corrected  
 28      Expert Report of Tim Arthur Williams, the original of which was filed July 24, 2012. While this

1 report was not marked "Confidential," Motorola has informed Microsoft that the materials in the  
 2 report are confidential, and Motorola has designated the transcript of Dr. Williams' deposition as  
 3 "**CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO THE PROTECTIVE ORDER.**"  
 4 Moreover, Dr. Williams' report discusses confidential, non-public information relating to the  
 5 parties' patents. Disclosure of this information to third parties and other party employees not  
 6 covered by the protective order would have the potential to lead to competitive harm.

7 Accordingly, Exhibit 7 should be sealed in its entirety.

8 For the reasons stated above, those portions of Microsoft's Reply (Dkt. No. 425) that refer  
 9 to the confidential information contained in Exhibits 6 and 7 should also be sealed.

### 10 **III. CONCLUSION**

11 Defendants do not oppose Microsoft's 9/10/12 Motion to File Documents Under Seal (Dkt.  
 12 No. 421). Nothing herein is intended as a waiver of Defendants' right to contest Microsoft's  
 13 designation of material as Confidential Business Information in accordance with the terms of the  
 14 Protective Order entered on July 21, 2011 (Dkt. No. 72). Defendants expressly reserve the right to  
 15 do so as the circumstances warrant.

16 DATED this 19th day of September, 2012.

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 19th day of September, 2012.

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